

# **Credit River Township**

## **Meeting Minutes**

### **May 19, 2008**

#### **Information Meeting – Huntington Way**

Chairman Leroy Schommer called the meeting to order at 6:00 pm.

Chair Schommer introduced new Board members Al Aspengren and Tom Kraft and then asked Engineer Jeff Elliott to review the information on Huntington Way.

Engineer Jeff Elliott noted that the road was rated at 38, one of the lowest in the Township. He pointed out that Huntington Way is approximately 3500 feet long (.7 mile) and 22.5 feet wide. He estimated that the road was built with 4 inches of Class 5 gravel and overlaid with 2 inches of bituminous.

He noted that the current Township standard for rural section calls for 12 inches of sand, 9 inches of Class 5 gravel and 4 inches of bituminous with a 26 foot road width.

Engineer Elliott estimated that it would cost \$567,000 to bring Huntington Way up to this current standard.

As an alternative, he suggested that the Township might want to consider grinding up (reclaiming) the existing road. In addition, he would recommend that an additional 5 inches of Class 5 gravel be added to provide for an equivalent 9 inches. Since the road would be raised, it would be necessary to raise some of the driveways to match and this would be possible given the length of the current driveways. He also noted that some spot repairs would be required before this reclaiming took place.

Engineer Elliott noted that by using this approach, he would estimate the cost to be \$439,000.

He estimates that further savings might be achieved by maintaining the existing road width and that the cost estimate would be \$333,000. All of these estimates would include installing new culverts where required.

Engineer Elliott stated that the construction time would be approximately 6 weeks.

Supervisor Brent Lawrence asked how old the road was. Engineer Elliott stated that it was constructed in 1987 and was 21 years old. It has been patched twice previously.

Resident Peter King asked what a major patching job would cost. Chairman Leroy Schommer noted that it would probably cost \$40,000 and that this would not last very long.

Chairman Leroy Schommer noted that the road standards in 1987 were significantly less stringent than our current standards and that the weight of today's utility and service vehicles really take a toll on older roads.

Resident Peter King noted that in his opinion, very little maintenance has ever been done on the road.

Resident Mike Skovran asked that in the case of a shared assessment project, what might the Township be willing to pay towards the cost? Supervisor Bruce Nilsen noted that we have typically contributed 20-30%.

Resident Don Knauf suggested that the \$40,000 that might have to be spent on patching the road be contributed in addition to the Townships normal contribution. Supervisor Bruce Nilsen agreed that the Township might consider contributing this money to the project.

Chairman Leroy Schommer suggested that the Township might consider 35% and that any businesses operating on the road might be considered for a larger assessment. The residents felt they would rather spread the assessments evenly.

Resident Peter King noted that it appears that the Township has not set aside enough funds to take care of the roads.

Chairman Leroy Schommer noted that if it is decided to go forward with the project and it's too late to finish this year, it might be possible to do the reclaiming work this year, let the road bed settle and pave next year.

Resident Peter King also suggested that the Feasibility Study include patching the road as best as possible.

The Board asked Engineer Elliott to have Feasibility report ready by the meeting scheduled for June 16<sup>th</sup>.

The Information meeting closed at 7:00 p.m.

### **Call to Order – Regular Meeting**

Chairman Leroy Schommer called the regular meeting to order at 7:00 pm.

### **Members Present:**

Chairman Leroy Schommer, Supervisor Brent Lawrence, and Supervisor Bruce Nilsen, Supervisor Al Aspengren, Supervisor Tom Kraft.

### **Others Present:**

Township Clerk Jerry Maas, Township Treasurer Holly Batton, Township Engineer Jeff Elliott, Township Attorney Bob Ruppe.

### **Meeting Minutes**

Chairman Schommer asked if there were any corrections to the minutes for the May 5th, meeting. Supervisor Bruce Nilsen noted one.

Supervisor Bruce Nilsen made motion to approve the minutes as presented with the noted correction. Supervisor Brent Lawrence offered a second, all in favor, motion carried 5 - 0

### **Resident's Group Report**

Greg Brown noted that the group has reviewed the records retention policy as it exists and is recommending that it be adopted as it would apply to Credit River.

They are still reviewing the Town Hall Rental policy and will present a draft copy to the Board soon.

They have investigated possibly using the Cleary Lake Park facility as a second voting site and estimate the cost to be approximately \$300.

In reviewing the plans for the new website, they are of the opinion that the suggested \$50/hour rate to maintain is too much to pay. They are wondering if the Board ought to consider hiring someone that would agree to do it for less, perhaps \$20/hour.

They are still in the process of reviewing the City of Lakeville Comp plan.

Supervisor Tom Kraft asked if it would be helpful if Board members attended the meeting. Mr. Brown noted that it would be nice if one person from Board attended. Perhaps a rotating system might be considered.

## **Open Forum**

- 1) Dave Cuthill, a resident of Judicial Estates, noted that there appear to be too many yard signs around the township. He feels that people are operating with a misconception that the road right of way is public space and can be used for this purpose. Treasurer Holly Batton noted that signs are prohibited on County Roads. Attorney Bob Ruppe noted that the Township might want to consider adopting a similar prohibition through an ordinance.

Supervisor Tom Kraft will get a copy of the County sign ordinance and suggested that we put this topic on the agenda for the next meeting

It was suggested that “Garage Sale” signs are acceptable as are “Real Estate” signs but others are a nuisance.

- 2) Lloyd Krocak, resident of 210<sup>th</sup> Street, noted that the gravel on the road is excessive. It causes too much dust and suggests that it be compacted.

Chairman Leroy Schommer stated that it has been bladed and will be dust treated by early June.

- 3) Ben Seppman, resident of 210<sup>th</sup> Street also noted that there was a large amount of rock deposited in the yards this year. He paid \$300 to have the rock swept from his yard.

Chairman Leroy Schommer pointed out that there was an early snow this year that occurred before the frost and late snows that occurred after the frost was out that contributed to this problem.

- 4) Luke Porter, representing Stonebrooke Engineering, presented plans for the Red Fox development on Texas Ave. and County Road 68.

The Board indicated that they would take this under advisement and suggested that Mr. Porter schedule a time on the agenda for the meeting on June 2<sup>nd</sup>.

- 5) Resident Paul Breyen of Whitewood Ave. inquired as to the progress on the annexation proposal by the City of Prior Lake. It was noted that we have not heard from Prior Lake to date.

## **Discuss Plans for Whitewood Ave. / Birch Road Re-Construction**

Engineer Jeff Elliott noted that the Township recently met with residents of the neighborhood to discuss the condition of Whitewood and Birch Roads. He has since reviewed the comments from that meeting.

Duane Koshenina of 16805 Whitewood wanted to emphasize that he felt it important to keep the road width at 22 feet. It was also suggested that it would be a good idea to install drain tile in certain areas.

Supervisor Al Aspengren made a motion to authorize Engineer Jeff Elliott to proceed with a Feasibility Study. Supervisor Tom Kraft offered a second, all in favor, motion carried 5 – 0

Engineer Jeff Elliott asked if he would be able to use the services of Braun Intertec during the course of this study. Supervisor Tom Kraft made a motion to authorize Engineer Jeff Elliott to include the work of Braun Intertec. Supervisor Al Aspengren offered a second, all in favor, motion carried 5 – 0.

## **Status of New Website**

Supervisor Brent Lawrence passed out some sample screen layouts for the new website.

Supervisor Brent Lawrence made a motion to proceed with Webcetera using the layout designated "A". Supervisor Leroy Schommer offered a second, the motion passed 4 – 1. Supervisor Al Aspengren opposed.

### **Review Status of Territory CSTS and Weeping Mound**

Attorney Bob Ruppe noted we had previously sent a letter giving the developer until June 15<sup>th</sup> to make the requested changes to this mound and since that time was still running, it would be inappropriate to act at this time.

In that we are meeting with the Territory developers on May 22<sup>nd</sup>, we can discuss the subject at that time.

### **Mark Zweber – Discuss Liberty Creek Project**

Developer Mark Zweber related to his previously approved plat for Liberty Creek dated 11/9/07.

It is his desire to proceed with his original plan to develop the Eastern portion of this project with access through the Territory development. It is his feeling that the barricade is a hindrance to sales of his lots and that the \$500,000 cost associated with the requirement to come into the project from Texas Ave. on the west is prohibitive. Furthermore, in his opinion, he does not feel that the Township has the authority to dictate which phases he must develop first. He has been advised that in order to have the barricades removed from the entrance to his project, he would have to restart the process.

Chairman Leroy Schommer noted that it has been the policy of the Township not to allow access to a new development through another development unless there are no other options as is the case in Scott's View Acres..

Mr. Zweber indicated that he will be re-submitting this project to the County to re-start the process and as a courtesy, he was bringing it to the Township tonight.

### **Discuss Status of White Drive**

Resident Darcy Saterbak of White Drive referred to Mr. Saterbak's earlier email requesting minimum repairs considering that 160<sup>th</sup> is due to be rebuilt in the near future.

Chairman Leroy Schommer and Supervisor Bruce Nilsen have discussed milling some spots.

Chairman Leroy Schommer stated that repair work will begin in next few weeks.

### **Discuss Status of Stonebridge Development**

Joe Huber and Dwight Gunnarson of CR Development appeared and noted that they were here to answer any questions that the Board may have relative to the Stonebridge project.

- 1) Engineer Jeff Elliott noted that we had received notice from the Minnesota Department of Health (MDH) that the Well permit was expiring and asked if this was for the drinking water or the monitoring wells?

Mr. Gunnarson stated that this was for the monitoring wells and asked that the Board assume responsibility for this permit and pay out of the Letter of Credit funds currently held by the Township.

- 2) Engineer Elliott noted that the project had been basically completed last fall with the exception of the bridge railing.

Mr. Gunnarson noted that it was his understanding that the warranty period for the project started 10/15/07 based on the bridge railing, the split rail fencing around the mound and a few minor items being completed.

Mr. Huber also feels that the project should be accepted effective 10/15/07 in order to be able to hold the Public Hearing to set sewer rates as soon as possible. Attorney Bob Ruppe noted that holding the Public Hearing was independent of acceptance of the project.

Mr. Huber indicated that the required Homeowners Association is established and that the HOA agreement has been recorded at the county.

It was noted that the MPCA permit specifies that the mounds be protected by a fence and the question was posed whether this requirement has been met? Mr. Huber indicated that there is a lumber fence installed. Supervisor Bruce Nilsen asked Engineer Elliott to review the plans and specs to insure that this was acceptable.

Supervisor Al Aspengren asked about what obligation we might be incurring if we pay the \$150 MDH permit fee. Attorney Bob Ruppe noted that we would not be incurring any liability.

Supervisor Aspengren asked if we have enough in the LOC fund to cover the warranty. Engineer Elliott noted that historically we've had sufficient funds to provide for any situation that may develop and that he doesn't foresee any cause for concern in this case.

Supervisor Aspengren made a motion that we pay the \$150 MDH fee and start the warranty period on the project effective 5/19/08. Supervisor Bruce Nilsen offered a second, all in favor, motion carried 5 – 0.

## **Engineer's Report**

### **1) Report on preliminary Costs to Pave 210<sup>th</sup> Street**

Engineer Jeff Elliott noted that we were asked to look at the possibility of paving 210<sup>th</sup> Street and Nevada Ave.

He passed out some info regarding the planned contribution by the developers of the Territory to the Township Turn Lane and Lot Fee funds and noted that there had not been enough lots platted to require funds be deposited with the Township at this time.

Engineer Elliott estimates that it will cost approximately \$443,000 to pave 210<sup>th</sup> Street and Nevada Ave. to a width of 26 feet with 1 foot gravel shoulders. This would not include recommended turn lanes on County Road 27.

Resident Ben Seppman noted that he was told in 2003 by the Board that the road could be paved at a cost of \$180,000. Now the price is up, he's in favor of blacktopping it now.

Resident John Anderson wanted to clarify that he simply was at the last meeting and did not call the meeting. He also is in favor of moving ahead now before costs increase.

Resident Mike Rabin asked the Board to look at the grade of Nevada Ave. in terms of safety concerns and asked that the speed limits be reviewed. Chairman Leroy Schommer noted that MnDot sets these speed limits and the Township has little control over the limits.

## **Treasurer's Report**

**1) Financial Report for April**

Treasurer Holly Batton summarized the reports. She noted that the Bank Statements are still going to former Board Member Dan Casey. The Board asked that she direct the bank to send these to the Board Chair.

**2) Escrow Status**

Treasurer Batton reviewed the escrow statements. The Board asked that she send statement to those accounts who have had activity

**3) Update on Banyon Software**

Treasurer Batton noted that Banyon Software has been providing training for the new accounting / billing software and that this will continue.

**Other Business**

**1) Discuss Allocation of Locate Charges**

It was noted that all locate charges for utility installations are being billed to the homeowners of Monterey Heights and South Passage even though some of these locate requests are outside the typical boundaries of these two sub-divisions.

It was decided to continue to bill MH/SP in view of the fact that the people charges with locating the utilities are unable to refine these requests to this level of detail.

**2) Discuss and Finalize Policy on Road Repair**

Attorney Bob Ruppe noted that he still must make a couple of minor corrections to this policy and asked that this item be tabled until the next meeting.

**3) Discuss Mowing Contracts**

Attorney Bob Ruppe presented draft Mowing Contracts for the Board to consider.

Supervisor Tom Kraft asked if these could be standardized in order to avoid the costs of preparation on an annual basis. Attorney Ruppe indicated that they could.

Supervisor Al Aspengren made a motion to adopt the Mowing Contracts as presented. Supervisor Brent Lawrence offered a second, all in favor, motion carried 5 – 0.

**4) Discuss Letters to Contractors – Judicial Road**

Attorney Bob Ruppe has prepared letters to send to the trucking companies responsible for hauling rock during the construction of 185<sup>th</sup> Street. He has asked that they acknowledge responsibility for road damage to Judicial Road during this process and be prepared to contribute to the re-construction costs.

**5) Discuss Resolution on Load Limits for Judicial Road**

Attorney Bob Ruppe noted that he had previously emailed the Board a draft Resolution designed to grant the Board authority to post road a 5 ton limit on Judicial Road on a temporary basis year round.

He also asked that we provide the City of Lakeville a copy in order that they might co-adopt this resolution for their portion of the road.

Supervisor Tom Kraft made a motion to adopt Resolution 2008-07 to provide the Board authority to post the weight restriction at 5-tons. Supervisor Bruce Nilsen offered a second, all in favor, motion carried 4 – 0 (Supervisor Aspengren abstained).

**6) Appoint Representative for DAP Committee**

Scott County has asked that we appoint a representative to the Detailed Area Planning (DAP) Committee

The Board asked Supervisor Tom Kraft to accept this appointment and Supervisor Al Aspengren to serve as the alternate.

**7) Review Letter from Spring Lake Township**

The Board asked Chairman Leroy Schommer to contact Chair Berens of Spring Lake on behalf of Credit River to clarify.

**8) Status of Old Computer**

In that we have purchased a new laptop computer for Township use, we have two older laptops. The Board asked that we put a note on the next agenda that these are for sale "As Is" and that they would be available to preview at 6:30 pm prior to the next meeting during which we would accept offers for them.

**9) Email List**

The Board asked Attorney Bob Ruppe that in the event it is decided to compile a Township email list, could this list be accessible via the Data Practices Act or is it in fact considered protected?

Attorney Ruppe expressed an opinion that he believes that the email list would be considered protected information but would need to research the issue to provide the Board with the actual position of the courts on this issue.

Resident Jay Saterbak had also sent an email to the Board noting that in his opinion, the email list compiled by Clerk Jerry Maas is in fact Township property in that he knows certain lists collected at Township events such as Open Houses, Annual Meetings, etc had been given to the Clerk for the Town Files.

Clerk Jerry Maas noted that he feels strongly that this list belongs to him, that the lists to which Mr. Saterbak refers to were gathered years ago, largely in unreadable form, and were minimal in quantity. The list that Clerk Maas has assembled was gathered on his own time over the last two years via personal contact and telephone work and that he has assured residents that he will retain personal control over the use of the list. There have been many residents that have stated categorically that they don't wish their email address to go anywhere.

Clerk Maas has assured the Township that when and if they decide to compile a separate list, that he would certainly cooperate in informing residents of the existence of this list in order that they might volunteer their names at that time.

**10) Set Date for Re-Organization**

The Board decided to conduct a second re-organization meeting at the regular June 2<sup>nd</sup> meeting.

**11) Obstruction in Right of Way – Faricy Lane**

It was noted that there are two large bushes located in the right-of-way on Faricy Lane that are obstructing sight lines and are considered a safety issue. The resident has been sent notice to remove them or the Township will remove them and pass the expense on to the property.

**12) Casey Farm**

Attorney Bob Ruppe noted that he has received a request for certain information relative to the Cress View Development from Attorney Peter Coyle representing the Casey Family Trust.

### 13) Meeting with Pearson Gravel Pit

Chairman Leroy Schommer noted that he had received a request from the engineer representing the Pearson Gravel pit to meet with the Town Board concerning the mining operation scheduled for the Township. It was suggested that we try to confirm a meeting on June 11<sup>th</sup> at 6:30 at the Town Hall.

### Review and Pay Bills

The Town Board approved and paid the following claims:

5/16/2008	BSC	Anchor Bank	Service Charges	\$	8.12
5/19/2008	4356	Enviro Care Services	Town Hall Cleaning-April	\$	97.98
5/19/2008	4357	AACE Handyman	Town Hall Repairs	\$	523.00
5/19/2008	4358	One Call Concepts	General Locate Services	\$	27.55
5/19/2008	4359	Mike's Septic Services	Tank Pumping	\$	485.00
5/19/2008	4360	Merton / Madonna Denley	Cancel Bldg Permit	\$	1,000.00
5/19/2008	4361	Integra Telecom	Phone Service	\$	343.54
5/19/2008	4362	Northwest Associated Consult	April Planning / Zoning	\$	733.20
5/19/2008	4363	Darlene Lein	Election Judge	\$	168.00
5/19/2008	4364	Robert Dahl	Election Judge	\$	96.00
5/19/2008	4365	Roberta Masters	Election Judge	\$	96.00
5/19/2008	4366	Jerald Mortenson	Election Judge	\$	96.00
5/19/2008	4367	Genevieve Dahl	Election Judge	\$	84.00
5/19/2008	4368	Rita Vollmer	Election Judge	\$	72.00
5/19/2008	4369	Scott Soil & Water Cons	April 2008 NPDES Insp.	\$	1,690.00
5/19/2008	4370	RS Homes	Refund NPDES Escorw	\$	1,530.00
5/19/2008	4371	Jeremy Fritz	Refund NPDES Escorw	\$	1,880.00
5/19/2008	4372	Minnesota Association of Twps	Calander/Training Video	\$	15.33
5/19/2008	4373	Grassland Central	Delinquent Sales Tax	\$	3.41
5/19/2008	4374	Jacques Whitford EcoCheck	April CSTS O & M	\$	11,928.10
5/19/2008	4375	Holly Batton	Expenses	\$	347.93
5/19/2008	4376	Bohnsack & Hennen Exc	Road Repair 169th St.	\$	296.00
5/19/2008	4377	Justin Schommer	ROW Repair	\$	75.00
5/19/2008	4378	Minneota Benefit Association	New Twp Officers Life Ins	\$	320.00
5/19/2008	4379	Minn Dept of Natl Resources	DNR CSTS Fee	\$	150.00

### Adjourn

There being no further business before the Town Board, Supervisor Bruce Nilsen made a motion to adjourn, Chairman Leroy Schommer offered a second, all in favor, motion carried 5 - 0. The meeting adjourned at 11:30 pm.

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Submitted By: (s/) Jerald R. Maas  
Township Clerk  
Credit River Township

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Approved By: (s/) Leroy Schommer  
Chairman Board of Supervisors  
Credit River Township